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MAR 27 2013	
CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
BY	B DEPUTY

Ormon Oliver Erikson Jr # 093105
Name and Prisoner/Booking Number

ASPC-Yuma Lapaz unit 6-E-16
Place of Confinement

PO Box 8819
Mailing Address

San Luis Az 85349
City, State, Zip Code

(Failure to notify the Court of your change of address may result in dismissal of this action.)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Ormon Oliver Erikson Jr
(Full Name of Plaintiff) Plaintiff,

vs.

(1) Charles L Ryan
(Full Name of Defendant)

(2) C. Hale

(3) CO III Estrada

(4) _____

Defendant(s).

☐ Check if there are additional Defendants and attach page 1-A listing them.

CV-13-00621-PHX-NVW(JFM)

CASE NO. _____
(To be supplied by the Clerk)

**CIVIL RIGHTS COMPLAINT
BY A PRISONER**

- ☒ Original Complaint
☐ First Amended Complaint
☐ Second Amended Complaint

A. JURISDICTION

1. This Court has jurisdiction over this action pursuant to:

- ☒ 28 U.S.C. § 1343(a); 42 U.S.C. § 1983
☐ 28 U.S.C. § 1331; Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971).
☐ Other: _____

2. Institution/city where violation occurred: ASPC-Yuma Lapaz unit San Luis Az

B. DEFENDANTS

1. Name of first Defendant: Charles L Ryan. The first Defendant is employed as:
Director of Prisons at Arizona Department of Corrections.
(Position and Title) (Institution)
2. Name of second Defendant: C. Hale. The second Defendant is employed as:
Wexford Medical Administrator at ASPC-Yuma.
(Position and Title) (Institution)
3. Name of third Defendant: CO III Estrada. The third Defendant is employed as:
CO III at ASPC-Yuma - Lopez unit bldg 6-E-F run.
(Position and Title) (Institution)
4. Name of fourth Defendant: _____. The fourth Defendant is employed as:
_____ at _____.
(Position and Title) (Institution)

If you name more than four Defendants, answer the questions listed above for each additional Defendant on a separate page.

C. PREVIOUS LAWSUITS

1. Have you filed any other lawsuits while you were a prisoner? ☐ Yes ☒ No
2. If yes, how many lawsuits have you filed? _____. Describe the previous lawsuits:
 - a. First prior lawsuit:
 1. Parties: _____ v. _____
 2. Court and case number: _____
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) _____
 - b. Second prior lawsuit:
 1. Parties: _____ v. _____
 2. Court and case number: _____
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) _____
 - c. Third prior lawsuit:
 1. Parties: _____ v. _____
 2. Court and case number: _____
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) _____

If you filed more than three lawsuits, answer the questions listed above for each additional lawsuit on a separate page.

D. CAUSE OF ACTION

COUNT I

1. State the constitutional or other federal civil right that was violated: Eight Amendment
of the United States Constitution

2. Count I. Identify the issue involved. Check **only one**. State additional issues in separate counts.

- | | | | |
|--|---|---|--|
| <input type="checkbox"/> Basic necessities | <input type="checkbox"/> Mail | <input type="checkbox"/> Access to the court | <input checked="" type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings | <input type="checkbox"/> Property | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: | |

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Count I. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

I went to medical at Yuma-Lopez unit to ask about my Psoriasis. The Nurse's looked at me then had me taken to CDU I was locked in a cell in CDU Stripped of Clothes until that night when I was told By DOC Staff I was going to stay in the hole until I washed with some kind of lotion. I was given this lotion and told to rub it all over my body. Now I know that Doctors in prison can make a mistake and this does not find a Violation of my Eight Amendment right under the United State's Constitution I would like this court to know that I understand that much. But after I put this lotion on my body it began to burn I was in extreme Pain. I told DOC staff that was working in CDU this at first they told me to be a man, but when they seen me again they said they would call medical. over a hour has passed and my skin you could see was burnt. This all took place on January 11th 2013 I sat in the hole for 5 days asking for help my skin burning the hole time. Nobody would do nothing they would put my tray of food on the trap and close it as soon as I took it and walked off. Some CO's would yell that medical was told. well Medical did show-up on January 16th 5 days after I was burnt by this lotion when I got burnt is when Prison Officials did do Nothing.
Pages Attached -

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

refused medical treatment, refused forms to file appeal

5. **Administrative Remedies:**

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
- b. Did you submit a request for administrative relief on Count I? ☒ Yes ☐ No
- c. Did you appeal your request for relief on Count I to the highest level? ☐ Yes ☒ No
- d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. did not appeal the Grievance Never received any response. Nor did I receive any response to my informal Complaint "Copy of Grievance Attached"

The DOC Staff could see my hole body had severe burns on it. Plus My hands and Feet were swelling so bad that my Skin was splitting. blood and pus were oozing from when my skin was splitting. When the nurse did show up on the 16th of January all she said was that I can return to my unit. That was done on the 17th of January around 9 PM I was still in extreme pain and I showed DOC staff on my unit who called Medical. Then I was told that medical has already cleared me and there was nothing that could be done.

Finally after 11 days with my skin burned and bleeding hands and Feet pus oozing from all over my body I was taken to the hospital in yuma were I was treated for my burns on my body.

On 1-22-13 I filed a informal Complaint. My response from my COITP which stated that my informal Complaint was about Psoriasis condition. See attached informal Complaint and Response from My COITP Estrada where they only bring up the Psoriasis and "nothing" about my burns or being taken to the hospital.

Then on 3/4-/13 C. Hale wrote a "inmate letter" Response stating my primary concern is treatment for my Psoriasis. I'm sure this Court can see by reading my Inmate informal Complaint that my Psoriasis was in fact why I went to medical. but what happened after was my "primary concern". Then to make matters worse when I filed my inmate Grievance on 2-11-13 since I didn't receive a response My COITP was not in his office for me to get the appeal grievance in the time limit. Then when he dose show up he wont give me the form to appeal saying my time

limit to Appeal is past. And refused to give me the form to file a appeal. All I could do at this time was write a inmate letter to Charles Ryan and let him know what was happening

To date I still haven't received the medication that the hospital has ordered for me. my skin is still burnt and I need to be seen by a doctor. My body has burn marks and scars all over it I would ask this court to order DOC to let me see a Doctor

E. REQUEST FOR RELIEF

State the relief you are seeking:

At this time I'm seeking medical treatment and court cost any anything else this
Court seems it has the power on again I'm not a Atty this prison has NO
Law library at All Medical expenses in the future

I declare under penalty of perjury that the foregoing is true and correct.

Executed on

3-25-13

DATE


SIGNATURE OF PLAINTIFF

(Name and title of paralegal, legal assistant, or
other person who helped prepare this complaint)

(Signature of attorney, if any)

(Attorney's address & telephone number)

ADDITIONAL PAGES

All questions must be answered concisely in the proper space on the form. If you need more space, you may attach no more than fifteen additional pages. But the form must be completely filled in to the extent applicable. If you attach additional pages, be sure to identify which section of the complaint is being continued and number all pages.

ARIZONA DEPARTMENT OF CORRECTIONS

Inmate Grievance

Note: You may appeal the Grievance Coordinator's decision to the Warden/Deputy Warden/Administrator by filing form 802-3, within 10 calendar days of receipt of this notice.

Received By <u>Estrada</u>	
Title <u>CO III</u>	
Badge Number <u>6826</u>	Date <u>2-11-13</u>

Inmate Name (Last, First M.I.) <u>Erickson Orion</u>	ADC Number <u>093105</u>	Date <u>2.11.13</u>
Institution/Facility <u>La Piz 6F-16 Yuma</u>	Case Number <u>Y08-014-13</u>	
To: <u>COTTT Solis</u>		

Description of Grievance (To be completed by the inmate)

First off my 15 working days have passed and failure to respond to my informal Resolution dated 1-22-13 on it was where it was stated that on 1-11-13 I went to medical to see about my Psoriasis which Medical has treated in the past. I was then taken off unit and placed in CDU where I was told I would stay until I used some kind of lotion. I used this lotion to get out of CDU. That lotion burned my skin and I was in extreme pain. I told DOC staff in CDU I was burning and in extreme pain and told to stop being a brat. After hours of this they said they would contact Medical. I got to see someone from medical on 1-16-13 who just said you can go back to your unit. On 1-17-13 DOC staff called medical because my skin had severe burns plus swelling until my skin split. Medical in turn said there was nothing they needed to do since medical has cleared me already. Finally after 11 days with my skin burned from head to toe my hands and feet bleed from splitting from the swelling I was taken to the hospital. And to this date I have not been given any of the meds that the Doctor has prescribed I itch and burn still.

Proposed Resolution (What informal attempts have been made to resolve the problem? What action(s) would resolve the problem?)

I have seen medical they don't know why I haven't got the meds, or will even help me with getting them. I need to be taken to a doctor that can cure and treat this burn problem. At this time I don't believe there is a resolution to this problem but getting some real medical help would help.

Inmate's Signature <u>[Signature]</u>	Date <u>2.11.13</u>	Grievance Coordinator's Signature <u>COTTT Solis 6616</u>	Date <u>2/12/13</u>
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Action taken by _____	Documentation of Resolution or Attempts at Resolution.
<p>RECEIVED</p> <p>FEB 20 2013</p> <p>BY: <u>B.B. #11916</u></p>	

Staff Member's Signature	Badge Number	Date
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Inmate: Erekson, Orrion

ADC# 093105

La Paz

Y08-014-13

Your grievance of 02-11-13 was received by medical on 02-20-13 and is based upon your complaint that you have not received medication prescribed to you for your psoriasis.

You raised an issue in your informal inmate letter dated 01-22-13 stating you have psoriasis and did not receive proper treatment for your condition which caused you further injury. On 02-11-13 CO III Estrada responded to your informal inmate letter stating: On 01-24-13 I forwarded the informal complaint resolution to C. Hale, Wexford Medical Administrator, for an appropriate response. As of today 02-11-13 I have not received a response.

Investigation into your medical issue is as follows: The medication prescribed to you for the ongoing problem with your psoriasis was dispensed to you on 01-23-13.

Your grievance is therefore resolved.

You have the right to appeal this decision to Juliet Respicio-Moriarty, Inmate Appeals Grievance Investigator by filing a form 802-3 within 5 calendar days of receipt of this notice.

Cyndy Hale Complex Site Manager 3/4/13
Cyndy Hale, Complex Site Manager Manager Date

CO III Estrada would "Not" let us appeal this stating that
C. Hale did not respond in time frame



ARIZONA DEPARTMENT OF CORRECTIONS

Inmate Informal Complaint Response

For Distribution: Copy of Corresponding Inmate Informal Complaint Resolution must be attached to this response.

Inmate Name (Last, First M.I.) EREKSON, ORRION O.	ADC Number 093105
Institution/Unit ASPC/YUMA/LA PAZ	

From CO III Estrada	Location 6E16L
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In response to your informal complaint dated 01/22/13 about your ongoing problem with your Psoriasis condition. On 01/24/13 I forwarded the informal complaint resolution to C. Hale/Wexford Medical Administrator for an appropriate response. As of today 02/11/13 I have not received a response. You have five work days from the date of this response to file the formal complaint using the inmate grievance form 802-1.

CO III Estrada

Staff Signature 	Date 2-11-13
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ARIZONA DEPARTMENT OF CORRECTIONS

Inmate Informal Complaint Resolution

Complaints are limited to one page and one issue.
NO ATTACHMENTS PERMITTED. Please print all
 information.

Inmate Name (Last, First M.I.)	ADC Number	Institution/Unit	Date
Erekson, Orrion	093105	Yuma/Lopez	1-22-13

To	Location
CO III Estrada	6-E/F

State briefly but completely the problem on which you desire assistance. Provide as many details as possible.

on Friday January 11th I went to medical at Lopez unit at Yuma Complex to see about my on going problem with Psoriasis which they use to treat here but stoped saying I could buy cream from Koffee store now, when I was seen the nurse went to ask another nurse for a second opinion. The next thing I knew I'm being taken off unit and placed into CDU where I sat with no cloths until that night where I was by Doc staff I would stay until I used some kind of lotion and take a shower, I did as I was told! I told Doc staff that I was in extreme pain and burning They said they would inform medical which took until Wednesday January 16th when the nurse did see my body had severe burns plus my hands were swelling until they split they said I could be returned to Lopez unit which was done on Thursday January 17th around 9 pm The next morning I told Doc staff I was in extreme pain and blood and pus was oozing from where my skin has split from the swelling, Doc staff called medical who in turn said there was nothing they need to do since medical has cleared me already, And there was nothing they can do. Finally after 11 days with my skin burned and bleeding hands and feet I was taken on to the Hospital in Yuma where I was treated

Resolution

At this time I don't think there is a Resolution to this and I need to file a Grievance

Inmate Signature	Date
	1-22-13

Have You Discussed This With Institution Staff?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, give the staff member Name:	Sgt Dickson

Distribution: Original - Inmate
 Copy - Grievance Coordinator File

802-11(e)
 12/19/12

(To be completed by staff member initially receiving appeal)

Received by: _____
 Title: _____
 Badge #: _____
 Date: _____

[illegible]

802-3
7/13/09

Dominguez, Raymond
ASPC - Yuma - La Paz
P.O. Box 8819
San Luis, Az. 85349

To Whom It May Concern;

I Raymond Dominguez, ^{Pectore} Have Known
Orion O. Erickson Jr. since he first arrived
to Dakota Unit here in Yuma Complex. Back in
June of 2008. He was a Healthy Individual
always working out and very Rarely Sick.
His skin was in good health.

Then on or about Aug. 15, 2012
he was working Cut himself which later
turned into A RASH. He would later try
to see staff. Finally around Sept. 1, 2012
He was seen by medical staff they told
him he had a Bacterial Infection and was
given Antibiotics. That only helped part
of the problem. It took care of the
Infection But He had broken out in a
bad rash.

He repeatedly tried to see
medical but was not helped. He kept
putting in H&R's but they kept slow
playing him. Around Dec. 31, 2012 we
were told they took him to C.D.U.
because he had Scabies.

I AM NOT A TRAINED medical person but I even knew he did not have scabies. They gave him cream to put on his body and it spread the rash to his entire body. By the time he returned to the yard here at La Paz, he looked like the whole top layer of his skin had been burnt chemically.

His skin was seeping puss from its open sores. What ever they gave him did more damage to his skin than any help.

Medical here refused to help him Sgt. Dixon even went as far as to take pictures, because medical would not help him.

It is now March 10, 2013 and he still has a rash, it itches him bad. And they still tell him he is cured. It is not just the medical companies fault, it is also the inept nurses that have been here for all the company changes that never help the hurt and sick.

I declare under penalty of Perjury that the foregoing is true and correct. Executed at La Paz - Yuma Arizona on March 10 2013.



MARCH 16th 2013

I've been present and witness
Orion Erickson's skin conditions.

In August²⁰¹² he happened to put his
hand at work. I noticed later on
he started to break out into a
rash, that started to spread. For
the longest time he was trying
to get medical attention.

Beginning of Sept.²⁰¹² he was seen
by medical, He received some
antibiotics. The rash never went
away, it started to spread badly.
At the end of Dec, they rolled him
up and took him to C.D.V. He
looked pretty bad. He was getting
worse.

I know he was gone for awhile
but when he came back and showed
me his arms, I almost got sick.
It looked like he had no skin.
Bloody, pus is what it looked like.
I couldn't believe they sent him
back here in that condition. He
should of never returned in that
shape. Its March 16th, Erickson still
has his rash, And still not receiving
The medical attention that he needs.
Joel Fain #146189 San Luis Az.